IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 545 OF 2007
IN
SECOND APPEAL NO. 126 OF 2004

ANA RITA ROSALIA SOLOCHANA VAZ AND ORS. ... Applicant

Versus

CARMO FRANCISCO PAULO PEREIRA (DEC) AND ORS. ... Respondent

Mr. J. Abreu Lobo,Advocate for the applicant.
Mr. Iftikar Aga,Advocate for the respondents No.31(a) & 31(b).

Coram:- R. S. MOHITE, J.

Date:- 9th August, 2007

P.C.

Heard the applicant. By this application, the applicant seeks restoration of the appeal as against respondents No. 18 & 19. The appeal has been dismissed against them for non-service. The Advocate appearing on behalf of respondents No.31(a) and 31(b) has no objection.

It seems from the record that respondents No.18 & 19 has changed their addresses. It seems that as fresh addresses could not be procured, an application was made under O.5,R.15 & 17 of C.P.C. and service by affixing was prayed for. Notices were issued on this application but though this Court had permitted the service by pasting, that procedure was not followed. Later on conditional order dated 26.4.2007 was passed and that is how Second Appeal was dismissed as against the respondents No.18 & 19 for non-compliance of the conditional order.

In the aforesaid circumstances, for the reasons which are mentioned in the application, the application is allowed. Notwithstanding the

respondents No.18 & 19 are not served, list the Second Appeal for consideration on merits on 31th August,2007. Connected S.A. No.122/2004 also to be listed for admission on that date.

R. S. MOHITE, J.

SMA